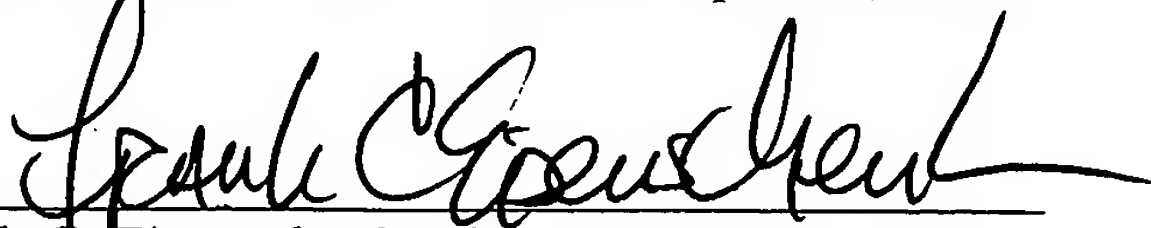


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INFORMATION DISCLOSURE  
STATEMENT

Patent Application  
Docket No. WJS-100  
Serial No. 10/626,037

  
Frank G. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1614  
Applicant : Warren J. Scherer  
Serial No. : 10/626,037  
Filed : July 23, 2003  
Conf. No. : 1255  
For : Method of Dermal Application of Brimonidine Tartrate for  
Treatment of Acne Rosacea

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§1.97 AND 1.98

Sir:

In accordance with 37 CFR §1.56, the references listed on the attached form PTO/SB/08 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of each cited reference is enclosed.

It is respectfully requested that the references cited on the attached form PTO/SB/08 be considered in the examination of the subject application and that their consideration be made of record.

Applicant notes that published International Application No. PCT/EP98/00991, having International Publication No. WO 98/36730, and cited as F1 on the attached form PTO/SB/08, was written in a foreign language. However, an English language abstract is provided in the reference.

Applicant respectfully requests that the reference be made of record and considered in the examination of the subject application.

Applicant respectfully asserts that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

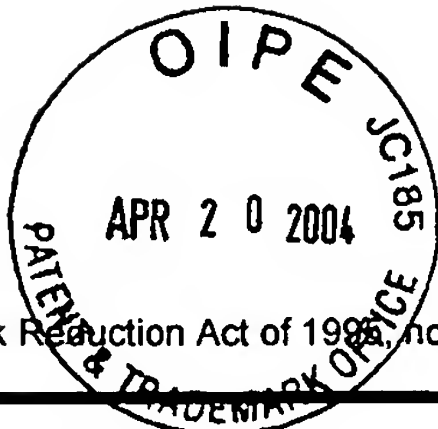
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Address: 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

FCE/ss

Attachments: Form PTO/SB/08; copies of references cited therein.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/626,037
				Filing Date	July 23, 2003
				First Named Inventor	Warren J. Scherer
				Art Unit	1614
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	WJS-100

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	U1	US- 4,029,792	06-14-1977	Danielewicz <i>et al.</i>	All
	U2	US- 6,194,415 B1	02-27-2001	Wheeler <i>et al.</i>	All
	U3	US- 2003/0068343 A1	04-10-2003	Muizzuddin <i>et al.</i>	All
	U4	US- 4,201,211	05-06-1980	Chandrasekaran <i>et al.</i>	All
	U5	US- 6,534,048 B1	03-18-2003	Borgman	All
	U6	US-			
	U7	US-			
	U8	US-			
	U9	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	F1	WO 98/36730 A3	08-271998	Diembeck	All	
	F2					
	F3					
	F4					
	F5					
	F6					
	F7					

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard T.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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				Application Number	10/626,037
				Filing Date	July 23, 2003
				First Named Inventor	Warren J. Scherer
				Group Art Unit	1614
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	WJS-100

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	R1	BOCKMAN, C.S., et al., "Binding and Functional Characterization of Alpha-2-Adrenergic Receptor Subtypes on Pig Vascular Endothelium," <i>J. Pharmacol. Exp. Therapeutics</i> , 1993, Vol. 267, pp. 1126-1133.	
	R2	BURKE and SCHWARTZ, "Preclinical Evaluation of Brimonidine," <i>Survey of Ophthalmology</i> , 1996, Vol. 41 pp. S9-S18.	
	R3	CHIEN et al., "Corneal and conjunctival/scleral penetration of p-aminoclonidine, AGN 190342, and clonidine in rabbit eyes," <i>Current Eye Research</i> , 1990, Vol. 9, No. 11, pp. 1051-1059.	
	R4	CHOTANI et al., "Silent $\alpha_{2C}$ -adrenergic receptors enable cold-induced vasoconstriction in cutaneous arteries," <i>Am. J. Physiol. Heart Circ. Physiol.</i> , 2000, Vol. 278, pp. H1075-H1083.	
	R5	FREEDMAN and BLACKER, "Estrogen raises the sweating threshold in postmenopausal women with hot flashes," <i>Fertility and Sterility</i> , 2002, Vol. 77, No. 3, pp. 487-490.	
	R6	GUARRERA et al., "Flushing in Rosacea: A Possible Mechanism," <i>Arch. Dermatol. Res.</i> , 1982, Vol. 272 pp. 311-316.	
	R7	NAKAMURA and FERREIRA, "Peripheral analgesic action of clonidine: mediation by release of endogenous enkephalin-like substances," <i>European Journal of Pharmacology</i> , 1988, Vol. 146, pp. 223-228.	
	R8	NIELSEN et al., "Postjunctional $\alpha_2$ -adrenoceptors mediate vasoconstriction in human subcutaneous resistance vessels," <i>Br. J. Pharmacol.</i> , 1989, Vol. 97, pp. 829-834.	
	R9	WALTERS, "Development and Use of Brimonidine in Treating Acute and Chronic Elevations of Intraocular Pressure: A Review of Safety, Efficacy, Dose Response, and Dosing Studies," <i>Survey of Ophthalmology</i> , 1996, Vol. 41, pp. S19-S26.	
	R10	WILKIN, "Why is flushing limited to a mostly facial cutaneous distribution?" <i>J. Am. Acad. Dermatol.</i> , 1988, Vol. 19, pp. 309-313.	
	R11	WILKIN, "Effect of Subdepressor Clonidine on Flushing Reactions in Rosacea," <i>Arch. Dermatol.</i> , 1983, Vol. 119, pp. 211-214.	
	R12	BURKE and SCHWARTZ, "Preclinical Evaluation of Brimonidine," <i>Survey of Ophthalmology</i> , 1996, Vol. 41 pp. S9-S18.	
	R13		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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